

## UNDERSTANDING YOUR POWER OF ATTORNEY

1. It is important to understand the meaning and effect of your power of attorney. The power of attorney is one of the strongest legal documents that an individual can give to another person. Accordingly, you must be making it of your own free will. It authorizes your agent (“grantee” or “attorney in fact”) to act on your behalf and carry on your business in your absence. **PLEASE NOTE** that a person or business does not have to accept or acknowledge your power of attorney; it is completely discretionary.

2. **A GENERAL POWER OF ATTORNEY** authorizes your agent to do any number of acts relating to your property and personal affairs. Because this document grants broad, virtually unlimited, authority to your agent, it must only be given to a person you trust completely. If you think you need a general power of attorney, consult a legal assistance attorney at your local Naval Legal Service Office (“NLSO”). This website does not provide general powers of attorney.

3. **A SPECIAL POWER OF ATTORNEY** authorizes your agent to do one or more certain **specified** acts, such as selling your car, shipping household goods, cashing a paycheck, selling real property, or authorizing emergency medical care for your minor child.

4. You should grant no greater power than is necessary. In addition, your agent (grantee) should be someone in whom you have absolute trust and confidence.

5. You should give the original to your agent and keep a second copy for yourself. Photocopies of your power of attorney are generally unacceptable because they do not contain original signatures of the notarial seal.

6. You should not make a power of attorney last any longer than is necessary. Generally, absent extended deployments or other special circumstances, six months is a recommended duration period. Your power of attorney will automatically terminate upon death of either you or your agent or **if you become mentally/physically incapacitated**. Otherwise, it will terminate on the date that you specified in the document.

7. **A DURABLE PROVISION IN A POWER OF ATTORNEY** permits an attorney-in-fact to act on behalf of you (“the principal”) when you can no longer make decisions. It is extremely important that the principal completely trusts the motives and judgment of the individual upon whom he/she is depending for his or her needs. None of the sample forms on this website contain a durable provision. If you have questions or concerns regarding a durable provision, contact a legal assistance provider at your local NLSO.

8. **REVOKING A POWER OF ATTORNEY**. Should you desire to revoke a power of attorney prior to its stated termination date, you should be aware that, once executed, it is difficult to prevent a power of attorney from being used. There are some steps that may give the grantor some limited protection. These steps include, but are not limited to (a) Recording a revocation in the counties in which the power was executed, in which the grantee resides, and in which the power may be used; (b) Publishing notice in the newspapers in the same counties as above that the grantor has revoked the power; and (c) Sending a true copy of the revocation to the grantee via registered or certified mail, return receipt requested. Contact your NLSO for additional information.